



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

November 23, 2004

PUBLIC HEARING: Karen Isaacson and Richard and Pamela Dube, 9 Cook Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Karen Isaacson and Richard and Pamela Dube, 9 Cook Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the occupancy of part of the single family dwelling situated upon property located at 9 Cook Street as an in-law apartment. The subject premises is described on the Shrewsbury Assessor's Tax Plate 29 as Plot 231.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on November 8, 2004 and November 15, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Ms. Isaacson: Karen Isaacson.

Mr. Dube: Rick Dube. We moved to Shrewsbury in June. We're at 9 Cook Street. It's a one family gambrel built around 1970. It has a two car garage. Over that garage is where we want to put in a small in-law apartment for my mother. The land is about a half acre or a little less than that.

Ms. Isaacson: His mother, Pamela Dube, is also an owner of the property. The three of us own the house together.

Mr. Dube: Right, but she hasn't moved in. Once we build, then she can move in.

Ms. Isaacson: The space is approximately 525 sq. ft. Construction would include electricity and plumbing drawn off of our house. It would not be a separate panel or separate meter. It would have a second means of egress of the back with a small deck and staircase into our backyard. The primary means would be through our garage.

Mr. Salerno: Your mom is ambulatory? She would be able to go up and down the stairs?

Mr. Dube: Oh, yes.

Ms. Isaacson: Absolutely. We have photographs of the back and side of the house.

Mr. Salerno: Good, you can start with Mr. Gordon.

Ms. Isaacson presented the photographs to Mr. Gordon.

Ms. Isaacson: This is the front, side and back view.

Mr. Dube: The pair of the photographs is for the back of the house. The second one is the front of the house and the side of the house where we would put a walkway, but really, nothing else will be put on the side.

Ms. Isaacson: So, we're looking at a small bathroom, small kitchen and bedroom.

Mr. Dube: She'd be able to come in from the front. You can see, from the front of the house, the garage door. In addition to the automatic door, there's a regular door. Then, the back of the house will have stairs and a deck for a second entrance.

Ms. Isaacson: With the two car garage and the large driveway, there's no problem with parking. There's ample parking for her vehicle. We won't have to alter that in any way.

Mr. Gordon: Is there any exterior construction or is it all interior?

Ms. Isaacson: Only to the back of the house to put in that door and the deck.

Mr. Gordon: Okay. Will that deck require a variance?

Mr. Dube: No.

Mr. Gordon: Okay.

Mr. Salerno: Now, there's enough living space in the gambrel above the garage?

Ms. Isaacson: Yes.

Mr. Salerno: You're not going to utilize any of the first floor?

Ms. Isaacson: No.

Mr. Dube: Oh, no.

Mr. Salerno: It's just the space above the garage. I see from your diagram that you have earmarked some areas for specific rooms.

Ms. Isaacson: Right. The previous owner had rough framed some areas and then left it as is. I mean, it's got windows and a roof. That's about it.

Mr. Rosen: You're aware of the restrictions regarding in-law apartments?

Ms. Isaacson: Not very well. We've talked with the builder. We're sort of in the process of getting bids.

Mr. Rosen: It has to be used by a relative.

Ms. Isaacson: Yes.

Mr. Rosen: You cannot rent it out.

Ms. Isaacson: Right, right. We have no intention of doing that. I don't want to be a landlord. We're just looking for a place for his mother to live as she nears retirement. That's really about it.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On November 23, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Karen Isaacson and Richard and Pamela Dube, 9 Cook Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the occupancy of part of the single family dwelling situated upon property located at 9 Cook Street as an in-law apartment.

The board reviewed the appellants' proposal to develop an in-law apartment within the area above the existing attached garage situated upon the subject premises and found that the occupancy of this space for said purpose was in harmony with the intent of the Zoning Bylaw. It was their opinion that the issuance of the special permit would not create any condition which would be harmful or injurious to the welfare of either the general public or area residents and, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Joseph A. Najarian, 12 Plainfield Ave., Shrewsbury, MA.

PURPOSE: To hear the appeal of Joseph A. Najarian, 12 Plainfield Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning

Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 12 Plainfield Ave. maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 32 as Plot 386.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on November 8, 2004 and November 15, 2004.

Mr. Salerno: Joe, would you introduce yourself and then make your presentation.

Mr. Najarian: My name is Joseph Najarian. I live at 12 Plainfield Avenue in Shrewsbury.

This is the house that I grew up in as a child. Back in 1997, I purchased it from my grandparents. At that time, the house was suitable. We had plenty of space, but with the last two children that we had, we ran out of usable space for a family room. So, that's why I'm coming to the board now, to see if we can put on a small addition that would run of the left side of the house. If I may, could I just bring up some drawings?

Mr. Salerno: Absolutely. Start with Mr. Gordon.

Mr. Najarian presented information to the board.

Mr. Najarian: These are photographs. I also had an engineer do a plan. I also have a plan as to what the addition is going to look like.

Mr. Gordon: Okay. You can submit the engineering plan.

Mr. George: Joe, the addition, facing the front of the house, is it on the left-hand side?

Mr. Najarian: Yes. Yes, it would be on the left-hand side. If you look at photographs five and three, that's where it would be. It would be running parallel with Plainfield Ave.

Mr. Confalone: So, it would be coming from the garage there. It's going to be built out in front of the garage?

Mr. Najarian: Yes. There's a small plot of grass that I have there. That's where it would go, right there.

Mr. Salerno: Who are you currently residing there with?

Mr. Najarian: My wife and three children.

Mr. Salerno: Three children?

Mr. Najarian: Yes.

Mr. Salerno: Any house with three kids is too small, right?

Mr. Gordon: It has too few bathrooms anyway.

Mr. Salerno: Do any board members wish to inquire?

Mr. George: Are you going to be digging a foundation for this addition?

Mr. Najarian: Yes.

Mr. Gordon: It's only going to be one story tall, right? It's not going up to the second story?

Mr. Najarian: No.

Mr. Rosen: Are you going to be matching the siding with the existing?

Mr. Najarian: Yes.

Mr. George: Joe, are you tied into sewer over there?

Mr. Najarian: Yes.

Mr. Salerno: Why wouldn't you bring the addition all the way back? Why would you leave the separation at the rear?

Mr. Najarian: In one of the photographs I have, it shows the entranceway to get into the house, which is on the side. I believe that, if you look at three and five, you'll see that that's where the entrance is to get into the house from the driveway.

Mr. Salerno: So, it wouldn't make sense for you to extend your proposed addition right back to the garage?

Mr. Najarian: Right.

Mr. Alarie: I think it would be rather difficult to tie a roofline in with that addition off to the rear of the house.

Mr. George: Especially being only one story.

Mr. Alarie: Correct.

Mr. Salerno: Yes. It almost looks like you'd maximize it if you closed in the portico area and brought it out. You'd get the extra space because, effectively, you're not going to see it with the addition there anyway.

Is there anybody in attendance this evening that wants to comment on this petition?
Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On November 23, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Joseph A. Najarian, 12 Plainfield Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 12 Plainfield Ave. maintaining the existing setbacks of said property.

The board reviewed the appellant's plans to construct a 14 ft. by 15 ft. family room addition to the southerly side of his home that would maintain the existing structure's 23 ft. front yard setback and found that its construction would not materially alter the nonconforming status of this property. They noted that the Plainfield Ave./Edgewater Ave. area was developed well before the implementation of zoning in Shrewsbury and that many of the lots and the homes thereon are nonconforming with respect to one or more of the dimensional requirements set forth in Table II of the Zoning Bylaw. The board found that the expansion of Mr. Najarian's home, when completed, would compliment the general character of this neighborhood and that it would not create any condition that would adversely impact the welfare of area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Blake and Scott Jarvi, 7 Elizabeth Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Blake and Scott Jarvi, 7 Elizabeth Street, Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side and Rear Yard Requirements, Residence B-2 District, to allow the construction of an addition 3 ft. and 38 ft. from the side and rear lot lines, respectively, of property located at 7 Elizabeth Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 38 as Plot 127.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on November 8, 2004 and November 15, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Ms. Jarvi: I'm Blake Jarvi.

Mr. Jarvi: I'm Scott Jarvi.

Ms. Jarvi: We live at 7 Elizabeth Street. We have one child and three very small bedrooms right now. We're hoping to have another child in the near future so we would like to add some space to the house.

Mr. George: Do you have any plans of the addition that you're proposing or sketches?

Ms. Jarvi presented information to the board.

Mr. Gordon: You've got your builder here. Why don't you have him tell us something about it also?

Mr. Salerno: Do you have some diagrams sir or would you like to assist in explaining it?

Lucci: I don't have any. I'm just here to answer some questions if there are any questions.

Mr. Gordon: I have a couple for you, if you don't mind?

Mr. Salerno: Go ahead, Mr. Gordon.

Mr. Gordon: There's a dormer in the back, but the roof is like a wing. It comes down that way. Is this going to go above what I would consider the wing? Is it going to go above the porch? It's going to be a second story above the porch so that the upper story will have four views?

Lucci: Yes.

Mr. Gordon: Possible views?

Lucci: It's not going any higher than the peak of the actual house.

Mr. Gordon: No, I didn't think that.

Lucci: It's just that, where the roof comes down in the back, it wings out on the screened in porch.

Mr. Gordon: Okay. You said that you're going to accommodate for the water coming down there, right?

Mr. Lucci: Correct.

Mr. Gordon: Have you spoken to your neighbors? Did you speak to the Housing Authority?

Mr. Jarvi: We haven't.

Ms. Jarvi: We spoke to the neighbors. We're actually not putting windows on the side that faces the neighbor on that side.

Mr. Gordon: The next door neighbors?

Ms. Jarvi: Right. We don't want to be looking down on him. I'm sure that he doesn't want us looking down.

Mr. Confalone: Is he okay with you being three feet from his property line?

Mr. Jarvi: We talked with the most adjacent neighbor.

Mr. Gordon: There are very few houses on Elizabeth Street.

Mr. Confalone: Yes.

Mr. Gordon: I think maybe five?

Ms. Jarvi: Four and a development.

Mr. Gordon: Four and the Housing Authority.

Ms. Jarvi: Actually, there are three.

Mr. Gordon: Three?

Ms. Jarvi: Yes. I think one's actually on the corner.

Mr. Salerno: Paul, do you have anything?

Mr. Rosen: Is it going to be the same height as the existing?

Mr. Lucci: It's actually going to be a little lower because it's going to be a step down going in from the existing house.

Mr. Rosen: In terms of the materials, will it be consistent with the existing?

Mr. Lucci: Yes. It will be all vinyl siding. We actually already matched up what they have.

Mr. Rosen: Okay.

Mr. Lucci: I already found new to match what they already have.

Mr. Gordon: There won't be a garage?

Ms. Jarvi: No, unfortunately.

Mr. Alarie: Mr. Chairman, can we just ask this gentleman what his name is for the record?

Mr. Lucci: For the record, Steve Lucci, owner of L & D Contracting. I'm actually the one who's contracted to do the building for them.

Mr. Salerno: Okay. We have that for the audio record.

Mr. Alarie: Steve, can you spell your last name?

Mr. Lucci: Lucci.

Mr. Salerno: It's one floor, one story?

Ms. Jarvi: It's two stories.

Mr. Salerno: Two stories? So, the first floor is going to be what kind of room?

Mr. Jarvi: It's going to be a family room.

Ms. Jarvi: It's going to be for toys and computers and all of the extras that things that we have.

Mr. Salerno: Your kids have a lot of toys?

Ms. Jarvi: Yes.

Mr. Salerno: Upstairs will be a bedroom?

Ms. Jarvi: A bedroom for us.

Mr. Salerno: It will be your master bedroom?

Mr. Jarvi: The master bedroom.

Ms. Jarvi: Yes.

Mr. George: With a bath, right?

Mr. Jarvi: Yes.

Ms. Jarvi: Yes.

Mr. Salerno: You are kind of close to the sideline there.

Ms. Jarvi: Yes.

Mr. Salerno: There's no other place for you to go. It's only 50 ft. wide. There's a cut in the corner.

Mr. Gordon: Back here is the Shrewsbury Housing Authority. There's a house in between.

Mr. Salerno: It's a 25 ft. square. Who owns that?

Ms. Jarvi: We didn't know about that until we pulled the plot.

Mr. Jarvi: There wasn't even a plot number associated with that 25 ft. square.

Mr. George: So, is that part of your property?

Ms. Jarvi: It's all fenced in as part of our lot.

Mr. Jarvi: According to the deed directions, it's not ours.

Mr. George: It's not?

Mr. Confalone: So, you couldn't even go right off of the back?

Mr. Jarvi: No.

Mr. Salerno: There's another 25 X 75 ft. lot between 126 and 124. Ron, are those rights-of-way?

Mr. Alarie: No, I believe that those are just individual lots.

Mr. Salerno: Where does that 25 X 25 ft. attach to? Do you know who owns it?

Mr. Alarie: That's a question that they will probably have to do a title search on.

Mr. Salerno: Yes.

Mr. Alarie: But, you say that that's all fenced in as part of your lot?

Ms. Jarvi: Right.

Mr. Jarvi: It's part of our lot.

Ms. Jarvi: Yes.

Mr. Jarvi: It was like that when we bought the house in 1999.

Mr. Alarie: But, the deed doesn't represent that as being part of the property?

Mr. Jarvi: Yes. According to the coordinates, it is definitely 25 X 25 off.

Mr. Salerno: Well, check your deed because sometimes they merge parcels. It could be an old Parcel 1 or Parcel 2 that's merged with the larger lot. In any event, based on what appears on the plot plan, you've got some limited use there.

Are there any other questions.

Mr. George: No

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On November 23, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Blake and Scott Jarvi, 7 Elizabeth Street, Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side and Rear Yard Requirements, Residence B-2 District, to allow the construction of an addition 3 ft. and 38 ft. from the side and rear lot lines, respectively, of property located at 7 Elizabeth Street.

The board noted that both the size and shape of the subject property present an undue hardship to the appellants in their desire to expand their home. The parcel is only 50 ft. in width and its depth and area, directly to the rear of the house, is diminished by a 25 ft. by 25 ft. block of land of unknown ownership. It was the board's opinion that, due to these conditions, the literal application of the minimum dimensional controls set forth in Table II of the Zoning Bylaw significantly impairs the appellants' ability to expand their home. They found that, in this instance, the reduction of the minimum side and rear yard setbacks to accommodate the construction of the proposed family room addition would not seriously depart from the intent of the bylaw or create any condition that would affect the welfare of the general public. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Craig and Sue Phyfe, by ImproveOne Services, 93 Main Blvd., Shrewsbury, MA.

PURPOSE: To hear the appeal of Craig and Sue Phyfe, by ImproveOne Services, 93 Main Blvd., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-1 District, to allow the construction of an addition 37 ft. from the rear lot line of property located at 93 Main Blvd. The subject premises is described on the Shrewsbury Assessor's Tax Plate 29 as Plot 208.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on November 8, 2004 and November 15, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Peabody: Good evening, my name is Eric Peabody. I'm with ImproveOne Services. We're here on behalf of Craig and Sue Phyfe of 93 Main Boulevard.

We're looking to have relief from the rear setback from 40 ft. to 37 ft. This represents a three foot variance. In addition, we're replacing the existing deck. It is currently in the footprint where we're looking to add the sunroom. The location that has been chosen is really the only practical location where this could be erected. The Phyfes are looking for a place to be able to get out from the elements and the bugs that they experience with their deck. To access this sunroom, they're going to have to go outside onto the deck and then go into the room. So, it's really going to act as a sun porch for them. In addition, we're building this on a platform on sono tubes. It's not a fully footed foundation.

Our essential position is that the hardship is the way the house is located on the lot currently. I don't believe that it will be a detriment to the neighbors. Looking at the abutters, there are a couple of additions that protrude beyond the 37 ft. currently on the lots to the left and to the right of the property.

Mr. Salerno: What's the dimension on the room?

Mr. Peabody: The room is 12 ft. in width and is projecting out 10 ft. from the house, which was an additional design consideration. Ten feet is really the minimal amount of projection that's practical.

Mr. Salerno: Right. If you add the other 3 ft. to make it fit, you're talking only about a 7 ft. wide room.

Mr. Peabody: Which wouldn't be practical, exactly. We're trying to create a space that's functional for them that will create a little bit of a leisure living space. The kitchen

cabinets, the stove, the kitchen window, the bulkhead are all right there so there's a lot of obstacles and peripherals that really limit the design and location of the sunroom.

Mr. Salerno: Do you have some photographs or a scheme or drawings?

Mr. Peabody: Yes. I do have elevation plans.

Mr. Peabody presented the plans to the board.

The rooms are very basic in nature. They are approximately eighty percent glass. It's a pre-manufactured product.

Mr. Salerno: Ron, have you seen this type of construction before?

Mr. Alarie: We see quite a few of the manufactured 3-season rooms. Patio Rooms of America and Better Living Sunrooms are some of the manufactures that we see quite often.

Mr. Salerno: I mean, they're considered living space.

Mr. Alarie: By building code definition, yes.

Mr. George: If he has to go outside to get into it is it still considered living space?

Mr. Alarie: It's still considered a habitable room.

Mr. George: Okay.

Mr. Peabody: I would like to point out that it's a non-heated space. Primarily, the goal would be to use it three seasons a year. I also have a photo if you would like to see the room.

Mr. Salerno: Please.

Mr. Peabody presented a photo album to the board.

Mr. Peabody: It will kind of give you an idea of what it will be.

Mr. Gordon: Why was it not put at the end of the porch? It would still require the 37 ft., but was that considered?

Mr. Peabody: We need a house to attach it to. If we put it out on the end, it would be projecting way beyond the house.

Mr. Gordon: I see, okay.

Mr. Confalone: So, the structure on the left of the house, is that the porch?

Mr. Peabody: That's the deck.

Mr. Confalone: That's the deck?

Mr. Peabody: Exactly. The current deck stops four feet short of where the room is proposed to be located.

Mr. Confalone: I see.

Mr. Peabody: They want to extend out the existing deck so that it's symmetrical to the sunroom addition.

Mr. George: What types of materials are used for this?

Mr. Peabody: It's an aluminum mainframe structure. It has a high density polystyrene core for a roof system, which is an insulator. It's fully engineered. You have an engineered stamped set of drawings for the product. It meets all of the state and local building code requirements.

Mr. Salerno: They're very attractive.

Mr. Peabody: Thank you.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On November 23, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Craig and Sue Phyfe, by ImproveOne Services, 93 Main Blvd., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-1 District, to allow the construction of an addition 37 ft. from the rear lot line of property located at 93 Main Blvd.

Upon review of this appeal, the board noted that the subject lot is nonconforming in terms of its area and frontage as it only has 80 ft. of frontage and contains only 8,000 sq. ft. of land area. It was the board's opinion that limitations created by the size of this parcel impose a substantial hardship to Mr. and Mrs. Phyfe in their attempt to construct a three season room to the rear of their home. The board found that a 3 ft. reduction to the minimum rear yard setback, in this instance, would not severely depart from either the intent or the purpose of the Zoning Bylaw and that the construction and use of the proposed addition would not have impact upon the welfare of either the general public or of area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Nolan Bros., Inc., d/b/a EZ Storage, 869 Boston Tpke.,
Shrewsbury, MA.

PURPOSE: To hear the appeal of Nolan Bros., Inc., d/b/a EZ Storage, 244 Andover Street, Peabody, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection E-4a, to allow the placement of a sign 1 ft. from the northerly sideline of Boston Tpke. upon property located at 869 Boston Tpke. The subject premises is described on the Shrewsbury Assessor's Tax Plate 36 as Plot 3.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on November 8, 2004 and November 15, 2004.

Mr. Salerno: Would the representatives of Nolan Brothers d/b/a EZ storage identify themselves for the audio record and make their presentation.

Mr. Salone: Thank you. My name is Pat Salone. I'm a regional manager for Nolan Brothers.

Mr. Petroski: My name is Steve Petroski. I'm the district manager for Nolan Brothers.

Mr. Salone: Basically, we're applying for a variance for our sign, to move our sign out closer to Route 9. The hardship that exists with the existing sign, the current sign, is that our neighbor the Day's Inn, which sits on top of the hill, has a very large sign out very close to the road. Traffic headed west toward us doesn't really see our sign because the Day's Inn sign blocks it until they've crested the hill and they're almost on top of us. So, what we're hoping to do is move the sign closer to the property line, out closer to the road.

As far as a detriment to the public good, we don't feel that there is any. Actually, I think the case could be made that it will be a public benefit because people trying to turn into our driveway who aren't familiar with our property will recognize our property sooner and be able to move to the right side, sort of the breakdown lane, to make the turn. I think that it will actually make it safer.

Mr. Salerno: So, you don't want to change the size of the sign? You just want to change the location of it?

Mr. Salone: We do wish to change the size of the sign. I have that. I didn't realize that a variance was needed. I think...

Mr. Salerno: Well, it may not be if it falls within the...

Mr. Salone: It was my understanding that we could put a bigger sign up.

Mr. Alarie: I think there was a sign description in the folder, but it does conform to the...

Mr. Salone: Yes. I have more of those if it's not in the folder, a picture of the new sign. It's basically a pylon sign, a little bit larger than the existing sign.

Mr. Gordon: I just have two questions Tony.

Mr. Salerno: Go ahead Mr. Gordon.

Mr. Gordon: Did you consider going straight up? What have we got, thirty-five feet?

Mr. Alarie: That's correct.

Mr. Salone: We do want to do that, but even at that, we won't be over the Day's Inn sign given the angle.

Mr. Gordon: How many feet in front of the current sign will this sign be?

Mr. Salone: Between ten and fifteen.

Mr. Gordon: It's halfway to the road?

Mr. Salone: Yes, out to the property line. I think we're...

Mr. Gordon: But, we can't tell where the property line is because I don't know where the road ends really.

Mr. Salone: Right.

Mr. Gordon: You say granite curb, but I'm not sure I saw a granite curb there.

Mr. Salone: Did I say granite curb?

Mr. Salerno: Well, the request is to be one foot off.

Mr. Gordon: Yes, but I don't know where that is from the road line. It's from the property line, not the road line.

Mr. Salerno: Isn't it a state highway Ron? Don't they have...

Mr. Alarie: On that plan you can see that it's perhaps ten or twelve feet from the property line to where that granite curb line is.

Mr. Gordon: Okay. That's the right-of-way?

Mr. Alarie: That's the right-of-way.

Mr. Gordon: It begins at the granite curb?

Mr. Alarie: No.

Mr. Gordon: It begins at their property line.

Mr. Alarie: It begins at their property line and then inside of that, this is somewhat reduced, but if you look, proportionately, the depth of the parking spaces, it's probably more than that, more on the order of twenty feet between the property line and where that granite curb shows up. That's actual physical edge of the traveled way.

Mr. Gordon: How tall would this sign be?

Mr. Salone: This sign would be thirty-five feet.

Mr. Gordon: Okay. So, it'll go up the thirty-five feet and it will be lit?

Mr. Salone: Yes, it will.

Mr. Gordon: Okay. Like the one that's there now?

Mr. Salone: Yes. Like the one that's there now, except that I just came by and it's black.

Mr. Gordon: But, internal lighting, not external lighting?

Mr. Salone: Yes.

Mr. Gordon: Okay.

Mr. George: Mr. Salone, you say that it's going to be twenty feet off of the road?

Mr. Alarie: It appears to be, scale wise, about twenty feet from the edge of the traveled way.

Mr. Salerno: Where the current sign is?

Mr. Alarie: No. Where they propose to be one foot off of their property line, they would still be almost twenty feet to the actual edge of the roadway.

Mr. Gordon: So, they're about thirty-five feet now, I would guess.

Mr. George: Yes. I would say so.

Mr. Rosen: You're cutting the distance in half?

Mr. Gordon: Yes, basically.

Mr. Salerno: What is the square footage on the sign that you currently have up there?

Mr. Salone: Currently, it's one hundred square feet.

Mr. Salerno: So, you're going to double it?

Mr. Salone: Yes, sir.

Mr. Salerno: You're going to go up how much higher?

Mr. Salone: Ten feet higher, thirty-five feet that's allowed, as I understand.

Mr. George: How big is the sign for Foley Motors?

Mr. Salerno: That's across from them?

Mr. Gordon: Yes, and Fiore

Mr. George: Right.

Mr. Salone: Yes. I spoke to some of the neighbors, particularly across the street, that have new signs to find out how they got those, Foley Motor Sports and then there's a tile place right next door with a very, very large sign.

Mr. Salerno: Boston Tile?

Mr. Salone: Yes. They said that they had applied through the variance. That's basically the precedent that's been set

Mr. Salerno: Tell us about the lighting.

Mr. Salone: Pardon me?

Mr. Salerno: Tell us about the lighting.

Mr. Salone: The lighting of my sign?

Mr. Salerno: Of the sign.

Mr. Salone: It would be internally lit, as the one is now.

Mr. Salerno: And, the materials that it's going to be made of?

Mr. Salone: It's a polycarbonate. It's, you know, a standard.

Mr. Gordon: Vacuum formed polycarbonate.

Mr. Salone: Yes. I don't know the technical...

Mr. Salerno: You're looking to go three feet wide and you're currently on the pole, right?

Mr. Salone: Yes. We are on a pole.

Mr. Gordon: Will this be a bigger pole.

Mr. Salone: Do you have this?

Mr. George: Yes.

Mr. Salone: I don't know what you have in the packet.

Mr. George: We have it.

Mr. Gordon: Can I see that too, when you're done?

Mr. Salerno: Go ahead.

Mr. Confalone: So, the size of the sign is not the issue, just where it's located?

Mr. Salerno: If you look at the survey and you look at what one foot is...

Mr. George: It's on this one. Here's where the sign is. This is a parking space. What's the length of a parking space, about?

Mr. Salerno: Eighteen feet, isn't a parking space eighteen feet in length?

Mr. Alarie: Our requirement is nineteen feet.

Mr. George: See, so he figures about twenty feet from here to here. This is where the sign is going to go.

Mr. Salone: The current sign shows on the plans. Can you see that? On my scale that measured about a little less than fifteen feet from the property line.

Mr. Salerno: This embankment here, Ron, is this part of the state's property?

Mr. Alarie: Yes. It's part of the right-of-way. It probably preceded most of the zoning that's here, but that Day's Inn sign...

Mr. Gordon: You're just going forward with the sign, right?

Mr. Salone: Forward, toward Route 9.

Mr. Gordon: Forward, toward Route 9, but not westerly?

Mr. Salone: Not laterally, no.

Mr. Gordon: No, okay.

Mr. Alarie: The Day's Inn sign was done by way of variance to pull that closer, again, because of speeds and traffic on that road and coming up westbound you lose visibility because of the grade.

Mr. Gordon: Why do you feel that you need to double the size?

Mr. Salone: Just so that people can find us. We have a continual problem with people buzzing by and not being able to find us on the road.

Mr. George: You don't think that moving it forward and raising it without increasing the size would do the job for you?

Mr. Salone: Well, I think both those things will help with the visibility.

Mr. Salerno: Where's it going to be in relationship to the Day's Inn sign? Is it going to be on line with it?

Mr. Salone: It will be...

Mr. Alarie: It should because that Day's Inn sign, the variance was to permit that adjacent to the property line. So, it would be pretty much...

Mr. Salerno: Right, so it would be on line with it.

Mr. Salone: This is just a Polaroid. It might give you an idea of the Day's Inn sign and our existing sign. This is standing in front of our property looking up. You have to compensate for the angles, the Day's Inn sign is right at the road almost. What I want to do is move this sign out closer. I'm not sure that I can, you know... My property isn't out hard against the road the way his is.

Mr. Salerno: I'm just wondering, I mean, are you better off where you are with a bigger sign or if you move it out, you're still going to have the Day's Inn sign blocking as people come westbound until they get to yours?

Mr. Salone: Well, I think I'm going to be cutting down the angle if I can move this one out and move it up. As cars approach... As you look down the road here, you can't really see the cars cresting the hill. As they crest the hill now that sign blocks my sign. If I can move this out, up and make it bigger, then I just increase the angle for cars.

Mr. Salerno: You don't know the size of Day's Inn's sign; do you Ron, square footage wise?

Mr. Salone: I think I actually had it. I may have it here because I researched it.

Mr. Gordon: Are you going to go from sixteen feet to thirty-two feet in width and from thirteen feet to twenty-six feet in height of the sign?

Mr. Salerno: It's double.

Mr. Salone: Yes. The existing sign is one hundred square feet. My understanding is that the zoning allows a two hundred square foot.

Mr. Alarie: It will be similar in size to the Golden Pizza sign that went up at the Grafton Street intersection.

Mr. Gordon: Tell me, what is your occupancy average?

Mr. Salone: Oh, I don't even know that. That's not a number I really carry in my head. I supervise a number of properties. Why do you ask? We have empty space. I certainly know that, but I don't know...

Mr. Gordon: I just wonder what effect the sign does have. How much does the sign matter?

Mr. Salone: Well, from the calls we get, I think it matters a lot because we have people that tell us that they drove by and couldn't find the place. Even though I think we've got a great location on Route 9, we still have people saying that they can't find us.

Mr. Rosen: If you were to leave that location where it is, raise the height and double the size, what would that do for your visibility?

Mr. Salone: I think it would have to improve it some. I don't think it would improve it as much as I would hope.

Mr. Salerno: You can do that without any relief.

Mr. Salone: Right.

Mr. Salerno: You can, based on the square footage allowed.

Mr. Salone: But, I think, because looking at that picture, you can see the size of the Day's Inn sign. I don't have their sign dimensions here so I can't really tell you, but it's

just a very, very large sign. It's just a different design than my sign because my sign is a pylon on a very slender pole. Theirs is massive from the ground up and then arched.

Mr. Salerno: Ron, they only got a variance for the positioning of it, right? They're within the necessary...

Mr. Alarie: They don't exceed the two hundred square feet, no.

Mr. Salerno: Right. If their sign is massive, as you describe it, it's going to be the same size as the sign you're putting up, two hundred square feet.

Mr. Salone: But, theirs sits on the ground. Mine's going to be up in the air.

Mr. Salerno: Right and yours is going to go up to the maximum height and the maximum size. My concern is that I don't want the appearance of billboards up and down Route 9 for signs.

Mr. Gordon: I'm concerned about overkill also. I'd be comfortable with thirty-five feet and the current dimensions or maybe something a little larger, but the sign you mentioned made a significant difference on that corner.

Mr. Salerno: Well, the relief is for the position, not the height and size of it.

Mr. Gordon: Yes. I know that. I'm just putting all of the things together in my mind. We're giving a variance so I think we can even dictate some of the sizing if we want to. Is that correct Ron?

Mr. George: Can you do that Ron?

Mr. Alarie: Certainly.

Mr. Salerno: We can grant it conditioned it's not meeting what's allowed under the?

Mr. Alarie: Certainly. If you're granting relief on one end, you certainly can set restrictions on any other facet of the bylaw.

Mr. Salerno: Okay. But, if he's in compliance with the bylaw by having it two hundred square feet, I think what we're doing is...

Mr. Alarie: Only if he's set back in accordance with the minimum front yard setback.

Mr. Gordon: It has to be where it is now. I see that also.

Mr. Salerno: Do you want to table that discussion?

Mr. Gordon: Can we hold this one and discuss it at the end?

Mr. Salerno: I just want to ask is there anybody in attendance this evening that wants to comment on this petition? Okay, seeing no further comment, we'll take the matter under advisement.

Mr. Salone: Would...

Mr. Salerno: Do you have more on it sir?

Mr. Salone: Well no, I was just going to ask two questions. One, Ron says that the Day's Inn sign is the same dimensions. I really wonder that.

Mr. Alarie: Oh no, I didn't say it was the same dimensions. I said...

Mr. Salone: I'm sorry, the same square footage.

Mr. Alarie: Oh no, I said that it is well within the zoning requirements. They did not seek relief for size, just that proximity to the road. I'm not sure what the total area of it is.

Mr. Salone: The chairman is saying that my sign would be the same size as the Day's Inn sign but I would be on top of a pole. I don't think that that's accurate.

Mr. Alarie: I didn't hear that.

Mr. Salerno: Well, if the Day's Inn is within the two hundred square feet...

Mr. Salone: I think the Day's Inn sign is a lot bigger than two hundred square feet. I don't have the dimensions of it, but I can tell you it's... The diagram that you have of my sign, the proposed two hundred square feet would be sixteen feet wide by ten or eleven feet high. I've gone by their sign frequently. It's a lot more...

Mr. Salerno: Yes, well we're going to look at their petition and see exactly what it is.

Mr. Alarie: I don't recall it being larger than two hundred square feet, but we can certainly pull out the plan.

Mr. Salone: I'm not questioning their sign.

Mr. Gordon: Can we keep your Polaroid for our discussions?

Mr. Salone: Pardon me?

Mr. Gordon: Can we keep your Polaroid for our discussions?

Mr. Salone: Sure. Would you suggest that I withdraw this and go back to my sign company and come up with a better alternative if you feel that I don't have the support...

Mr. Salerno: No, I wouldn't suggest...

Mr. Salone: Is that option open to me? I'm sorry; I don't mean to put suggestions in your mouth.

Mr. Salerno: If you would like to withdraw at this time before any decision is made and resubmit with some different configurations I think the board, I'm not speaking for its entirety, but I think it's been our practice to allow people to do that. Again, we want to look at some other dimensions. We're looking at these photographs and we're trying to create an image. I think the board would like to see the exact request that Day's Inn made so that we can look at the size of their sign and then kind of balance and compare it to what you're asking for.

Mr. Salone: Okay. Given what I'm hearing...

Mr. Salerno: Mr. Alarie's got a pretty good eye on it. He knows...

Mr. Salone: Okay. Well no, I respect that.

Mr. Salerno: He thinks it's under two hundred square feet. It probably is. Your sign is going to be at two hundred square feet so for us proportionately it's going to be close if not larger than the Day's Inn sign and your going to be up twice the height of their sign. What we want to avoid is the battle of signs along Route 9 with everybody wanting a bigger and better sign than the person next door. We certainly don't want an amusement park there so we're concerned about how that's going to look.

Mr. Salone: Sure. Well, if you would allow it then, if I could withdraw this and review the sign with the sign company and see if we could come up with a better alternative...

Mr. Gordon: I move to let him withdraw.

Mr. Rosen: I second.

Mr. Salerno: There you go.

Mr. Salone: Thank you.

PUBLIC HEARING: Shrewsbury Electric Light Plant and Bell Atlantic Mobile of Massachusetts, d/b/a Verizon Wireless, 15 Parker Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of Shrewsbury Electric Light Plant and Bell Atlantic Mobile of Massachusetts, d/b/a Verizon Wireless, 100 Maple Ave., Shrewsbury, MA, to amend and extend the special permit issued in accordance with Section III, Subsection E, of the Town of Shrewsbury Zoning Bylaw on October 21, 1999 permitting the installation and use of a wireless telecommunication facility upon property located at 15 Parker Road. The subject premises is described on the Shrewsbury Assessor's Tax Plate 31 as Plot 132.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on November 8, 2004 and November 15, 2004.

Mr. Salerno: Would a representative of the Electric Light Plant come forward, and or Atlantic Mobile, and identify themselves for the audio record.

Mr. Josie: Good evening, my name is Tom Josie, General Manager of Shrewsbury Electric Light and Cable Operations. I was told that there was going to be somebody from Verizon Bell Atlantic here, but they obviously didn't make it. So, I'll carry the ball.

We're here asking to extend a special permit that was granted back in 1996. The permit is to put the Bell Atlantic antennas on our existing tower that currently houses antennas for the cable television operations. Initially in 1996, the special permit was granted for three years. When the three year period was up in 1999, subsequently we came in asking for an unlimited extension. At that time, the board chose to give us a five year extension. The five years are up and we're once again here looking for a further extension.

Clearly, from an operating standpoint, the antennas have operated without incident for the past eight years. We don't see any problem with their continued operation.

Mr. Salerno: Are you seeking a five year period again?

Mr. Josie: Well, five years would be okay. The logical breaks in the lease are five years. So, the next opportunity for either of us to terminate the lease would be in 2011. So, a seven year extension would be logical. It would fit in line with the leases that we have. Then, after that, we have an opportunity to review the leases for five more years after that. So, unlimited would be preferred. If the board chooses to limit it, in our opinion, seven years would be a logical break.

Mr. Gordon: This is on the tower, right Tom?

Mr. Josie: It's on the existing tower.

Mr. Gordon: Is it commingled or is it just Bell Atlantic?

Mr. Josie: No. It's on the tower that is owned by us. Again, it's these three long things. It's on the existing tower.

Mr. Gordon: Tell me, you say "amend and extend." Is there anything to the "amend" part of your appeal?

Mr. Josie: No. They prepared this.

Mr. Alarie: Well, the “amend” part was also relative to the time period.

Mr. Josie: The time?

Mr. Alarie: Correct.

Mr. Gordon: Oh, the time. And, the extend is the time?

Mr. Josie: Exactly.

Mr. Gordon: I just wanted to make sure they weren’t thinking of something that they weren’t telling us about.

Mr. Josie: No. There are no plans that were passed on to us for any additional space on the top of the tower or doing anything different than what they are currently using.

Mr. Gordon: They could not commingle with another company without talking to you? Is that correct?

Mr. Josie: That’s right. The space of our lease is limited to what they have on the tower right now, within the existing space they have on the tower right now. Based upon the original special permit, I think that we do not have authority to do other than what’s there right now.

Mr. Gordon: Okay.

Mr. Salerno: When you say the word “lease”, they’re paying the town to have these antennas?

Mr. Josie: They’re paying the town.

Mr. Salerno: So, it’s a benefit to the town because the antenna already exists?

Mr. Josie: Exactly. The tower already exists.

Mr. Salerno: It’s just more efficient use of the tower?

Mr. Josie: Yes.

Mr. Gordon: I’m fine.

Mr. George: Do you want to suggest a seven year?

Mr. Salerno: Yes, seven years.

Mr. Gordon: I’m fine with 2011.

Mr. Salerno: Mr. Gordon knows that he's going to be here in this capacity when it expires.

Mr. Gordon: In 2011, I hope so.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On November 23, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Shrewsbury Electric Light Plant and Bell Atlantic Mobile of Massachusetts, d/b/a Verizon Wireless, 100 Maple Ave., Shrewsbury, MA, to extend the special permit issued in accordance with Section III, Subsection E, of the Town of Shrewsbury Zoning Bylaw on October 21, 1999 permitting the installation and use of a wireless telecommunication facility upon property located at 15 Parker Road.

On October 2, 1996, a special permit was issued to allow the attachment of telecommunication antennae to an existing tower situated upon the subject premises. That permit, which was issued for a three year period, was subsequently extended for an additional five year period by vote of the board on September 8, 1999. As determined at the conclusion of each of those previous appeals, the use of this site by both of the appellants for the receiving and transmission of various telecommunication signals conformed to the applicable provisions of the Zoning Bylaw as well as the regulations of the Federal Communications Commission. Upon review of this appeal, this board concurred with those earlier findings and, further, found that the citing and use of the antennae during the past several years has complied with all of the oral and written presentations made during the public hearings relative to this matter. They also found that their use has not created any condition which has adversely impacted the welfare of either the general public or area residents and, therefore, unanimously voted to extend the special permit for the period of time commencing on November 20, 2004 and expiring seven years from the date of the filing of this decision with the office of the Shrewsbury Town Clerk.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Skaff Enterprises, Inc., Michael Skaff, President, 621 Main Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Skaff Enterprises, Inc., Michael Skaff, President, P. O. Box 347, Thompson, CT, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the use of property located at 621 Main Street for business and professional offices. The subject premises is described on the Shrewsbury Assessor's Tax Plate 22 as Plot 32.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on November 8, 2004 and November 15, 2004.

Mr. Salerno: Counsel, would you introduce your client and identify yourself for the record.

Atty. Ricker: If I could, Mr. Chairman and members of the board, my name is Richard Ricker. I'm an attorney practicing at 11 Maple Avenue in Shrewsbury. I'm here representing Skaff Enterprises, Inc.

Mr. Salerno: The gentleman with you is?

Atty. Ricker: With me is Michael Skaff, president of Skaff Enterprises, Inc. He is also the owner of the premises that we're here to talk about.

I should note that I previously mentioned to Mr. Alarie that we had considered requesting a continuance of this matter in order to meet with neighbors. We have, however, met briefly with some of the neighbors and we find that further discussions, although they can happen and we are going to have further discussions after this evening's presentation and discussion, we feel that, in light of the stated opinions and positions, it would probably be appropriate for us to go forward. We have people here tonight that, I would suggest to you, that you will hear from tonight, obviously, but they are going to be pro and con discussions. If I could, Mr. Chairman, I would like to go forward with this tonight. This proposal is to use property, which is a historic structure as shown on the plan that was submitted. I think that you all have a portion of the plan. It faces Main Street. It's set well back from Main Street. It abuts properties along Gates Road. It also abuts the Canzano property, which is on Route 140, Boylston Street. It is also directly abutting the former People's Bank building, which is now the Shrewsbury Credit Union.

This property has been the subject of previous variances. There were two appeals that this board granted in 1993 and 1996. At that time, the appeals dealt with Mr. Skaff's use of the property to run his floral business, which was retail in nature, and also to allow the use of an upstairs portion of the building for a landscape architect to use as his office. Those two appeals were granted by your board. The property remained in that type of use up until this past year when the present tenant, Skaff Floral, moved out.

So, now Mr. Skaff has found himself in a position where he marketed the property for a period of time to see whether or not there were any potential buyers out there. He had a realtor working on it. The realtor came up with a number of different ideas and a number of different proposals that, I would suggest, probably might have alarmed us. Some of them would have anyway. It all boils down to, at this stage, allowing the use of the building in a manner which will attract a good quality tenant or tenants that will allow Mr. Skaff to keep the premises in the manner to which he and all of us have been accustomed.

As you will recall, when Mr. Skaff purchased the premises back in 1994, it was in quite a state of disrepair. He put several hundreds of thousands of dollars into the building. He renovated it and has done a fine job. It is, as I suggested before, historical in nature. It is

on the registry. Basically, he is proud of it and wants to maintain it. He finds himself in a position where he is basically unable to market it or sell it to anybody that wants to use it as a residence. You will hear that some of us in attendance here tonight think that it should revert back to a residence.

I would suggest to you that there are a number of hardships that we face in that respect which this board has determined to be hardships in the past that I would add. Number one, it abuts this large parking lot of the former People's Bank and now Shrewsbury Credit Union. That parking lot comes right up to the front yard. In fact, if you're on the property, it seems like it extends into the front yard a little bit. You've got the lighting associated with that Credit Union that's on at night.

You've got Main Street and the zone line right here along the property line which is the zone line of the Limited Business zone which carries from there through the center on that side of the road. You've got a number of businesses on the opposite side of Main Street facing the property which run the gamut from dentists to podiatrists all the way down to St. Mary's Church and Britton Funeral Home. Those, as you know, stretch all the way down to Summer Street. You've got lawyers, doctors and various businesses.

This particular proposal is for the use as professional offices. By professional offices, I refer to the bylaw which says such as lawyers and doctors. Yes, we would suggest that there are other professionals such as architects, health care agents or experts, engineers, designers, psychologists, therapists and professions which would be generally in the sole practitioner nature because you're only dealing with an eight room house. Basically, it's eight sizable rooms, but still only eight rooms which could probably boil down to six offices at best. You're dealing with a situation where you need some area for people to come into the building and wait and to basically go to the various offices. This proposal would also require Mr. Skaff to do some work to the premises. It would require some investment of some additional funds as well. However, not to the exterior of the building.

The exterior would remain the same. We feel that there is ample parking. There's ample pavement on the site. There is no need to put anymore pavement on the site. It would not be attractive to do that. It would not be in anyone's interest, we believe and my client suggests, to expand that. So, he does not intend and is not requesting permission from either this board or the Historical Commission for permission to alter the exterior of the building or the premises. I say that because I read the article in the Chronicle today which states, and I'm sure that most of us have read it and there's a big picture on the front page that showed the building, which is a nice looking building, that it suggests that the Historical Commission has some members that may have some concerns based on perhaps changes to the exterior of the building. As I read the article, it mostly addresses those. That is not the case here.

We're talking about a use of the building, which I would suggest, respectfully to the board, that involves less intensive use than what was as a retail use, as a retail business, of the premises. We're not suggesting that there would be retail tenants there at all. We're suggesting that these would be professionals, upscale professionals, such that

would add to the quality of the building and of the premises and would, again, allow for Mr. Skaff to keep the building in the condition which he's kept it in.

I would suggest that the hardship that they face is clearly incidental to this parcel. This is a unique parcel that is bounded, as I suggested, by many businesses. In fact, it has another zone line running right through the middle of the house, the Rural B and Rural B-1 zone line. Again, as I said, there is no other residentially zoned parcel that is faced with the type of buffering that this property has.

I would also respectfully suggest that the relief, if your board granted it, would not derogate from the purposes of the bylaw for that purpose, because of the situation that the building is in, nor would we suggest that this use would be in any way detrimental to the neighbors.

There is buffering between them and the neighbors. There's fencing that was put in place in accordance with previous decisions. There is ample room around this building. Frankly, I've been there and I've looked around and I've noticed that there's an awful lot of room between the parking areas behind this house and the next house and the surrounding properties. I would suggest to the board that this is a good and solid and proper proposal in light of the situation that this house is in.

He, again, is looking for professionals. He's looking to keep the property in the shape that it's in. He asks for your granting.

Mr. Salerno: Before you sit down, counsel, Skaff Enterprises, Inc., are they the business entity that operates the building? Are they the owner of the property? What is the structure to the ownership and its relationship to when the business was there?

Atty. Ricker: Skaff Enterprises, Inc., is the corporation that owns the property.

Mr. Salerno: So, it's owned by a corporation?

Atty. Ricker: Yes, and they maintain it. Michael Skaff is the president and, I believe, treasurer of the corporation.

Mr. Salerno: So, if it was turned into professional offices, Skaff Enterprises, Inc., is still going to be the landlord and the company responsible?

Atty. Ricker: Correct. As a matter of fact, they would still maintain a presence in the property. He would plan on keeping an office there himself.

Mr. Confalone: So, you're not planning on selling it if you're able to put offices in there?

Atty. Ricker: Right. Well, if he's able to put offices in it, that's correct. He wants to keep it and he wants to maintain it.

I would suggest also that we do plan on coming back to the board relative to the sign at some stage if the board sees fit to grant these requests. I do have copies of what would be proposed. If I could, Mr. Chairman, just show it around because it is, again, in keeping with what was there.

Mr. Salerno: It's not before us tonight?

Atty. Ricker: Right. But, just by way of informally bringing it to your attention, there would be a sign down in front on Main Street which would be in keeping with the light poles that were recently installed in the center project. Again, in keeping with the center and in keeping with the overall tenor of the upgrading of the center of town.

Atty. Ricker presented the copies to the board.

Mr. Rosen: How many offices or how many units?

Atty. Ricker: Well, there are eight rooms. You're talking about four basic rooms on each floor. Depending on who would want to rent it, obviously, from Mr. Skaff's point of view, he'd love to see the Credit Union take the offices and use them. There was some discussion about that at one stage, but that didn't come to fruition. So, depending on who would use it, you could see six individuals or maybe you could see two or three users.

Mr. Rosen: Ron, with this degree of rehab inside, would it need an elevator?

Mr. Alarie: I can't answer that. It would all depend upon the cost of any work they would be performing and the value of the building. There is a scale within the Architectural Access Board's Rules and Regulations that dictates what parts of their regulations are enforceable when you are modifying an existing building.

Mr. Salerno: Even though it's being used right now?

Mr. Alarie: Yes, even though it's being used right now.

Mr. Salerno: It's not going to be grandfathered under that?

Mr. Alarie: No. Again, it's based on a percentage of the dollars spent verses the value of the building and the total amount being spent.

Atty. Ricker: So, we're going to spend as little as we can.

Mr. Gordon: The garage area, I noticed, has a refrigerated door in the back section. What would the garage area be used for?

Mr. Skaff: The garage would be used for storage. The refrigerator door, right now, is storage.

Mr. Gordon: Okay. So, that would not be additional offices?

Mr. Skaff: Correct.

Mr. Rosen: Ron, another question. If they don't need an elevator on the second floor, would that restrict the type of tenant that could move up there?

Mr. Alarie: I don't think it would restrict the tenant. They always have the ability, which is built within the Architectural Board's Rules and Regulations, to seek relief and there are relief mechanisms specific for historic buildings. They would have the ability also to appear before the Architectural Access Board. I don't know how it would restrict a tenant.

Mr. Gordon: Can I ask a couple of other questions?

Mr. Salerno: Go ahead.

Mr. Gordon: I noticed that the entire back is paved as well as the driveway. That will remain paved? There will be no changes to it?

Mr. Skaff: Right.

Mr. Gordon: Okay. The garden area is going to stay as it is, the garden area that sticks straight back, which I thought was always a lovely thing?

Mr. Skaff: Right.

Mr. Gordon: There will be no additional outside lighting?

Mr. Skaff: No additional lighting.

Mr. Gordon: No additional lighting?

Mr. Skaff: We have motion detectors on the garage and the backdoor entryway. We have lights that are setup by the front, the road, for the signage that are already there. There are lights that light up the house at night, but there will be no additional lighting put in.

Mr. Gordon: No additional lighting?

Atty. Ricker: The sign would be lit.

Mr. Gordon: Wasn't there a sign there when you had your business there?

Mr. Skaff: Yes and the sign was lit so those lights are still there.

Mr. Gordon: This is similar?

Mr. Skaff: Right.

Mr. Gordon: Maybe a little bigger?

Mr. Confalone: The parking is going to stay in the back?

Atty. Ricker: Right.

Mr. Confalone: Basically, visible from the road.

Mr. Gordon: Well, that would be the main entrance, wouldn't it, from the back?

Mr. Skaff: Yes.

Mr. Gordon: It would appear to me that the other entrances are, unless you're Richard's height, you can't step up that stoop. It's about a fourteen inch stoop.

Mr. George: Were there ever any designated parking places on the drive entrance?

Atty. Ricker: I don't think so.

Mr. Gordon: No. There are no markings on the driveway.

Atty. Ricker: The driveway is fairly wide.

Mr. Gordon: There are no markings on the driveway, but there are parking spaces lightly outlined in the back.

Mr. Salerno: I think what Paul's questioning is, when they computed the number of necessary spaces, did they count parking in the front?

Atty. Ricker: They may have although I don't think it was ever outlined. But, there are twenty-one lined spaces there.

Mr. Alarie: That was just for driveway purposes from Main Street into the off street parking area at the rear of the building.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? We just ask you to, by a show of hands, just identify yourself. We'll start from the rear, the lovely lady in the red coat. Tell us your name.

Ms. Thompson: Dorby Thomas, Spring Circle. I would like to know that, if you grant this variance and if they sell the property, if the variance stays in affect for the new owners or would it have to be done all over again?

Mr. Gordon: The variance runs with the land.

Mr. Rosen: I believe the variance runs with the land.

Mr. Alarie: A variance cannot be restricted to ownership. It runs with the property.

Mr. Salerno: That's a very good question. Sir, next to Ms. Thomas, did you have a question? Just identify yourself for the record.

Mr. Kirk: Chris Kirk, Westwood Road. I just wanted to ask counsel if he could clarify the boundaries of the zones that run through this property. There's a Historic District, a Rural, I think it's Rural B, and there's also, I think, a Limited Business District.

Mr. Salerno: Okay, what's the question now?

Mr. Kirk: Where are they?

Mr. Salerno: Oh, on the map?

Atty. Ricker: If you like, Mr. Chairman?

Mr. Salerno: Would you just point them out?

Atty. Ricker: Can you see this?

Mr. Kirk: Yes.

Atty. Ricker: The Limited Business Zone line runs right along the property line where the credit union meets this property and that's right here. The Rural zone runs across here.

Mr. Alarie: Mr. Ricker, it's defined on the map that the Residence B-2 District is the portion between the house and Main Street and the rear portion is in the Residence B-1 District, not the Rural B zone.

Atty. Ricker: B-1, yes, I'm sorry.

Mr. Alarie: There is a line separating it from the B-1 and B-2 zones.

Atty. Ricker: Right, B-1 and 2.

Mr. Salerno: B-2 in the front and B-1 in the back?

Mr. Gordon: Correct.

Mr. Kirk: Where is that line, please?

Atty. Ricker: Right here.

Mr. Gordon: It runs right through the house.

Atty. Ricker: It runs between the house and the garage, basically. It runs through the garage.

Mr. Kirk: Is the boundary of the Historic District anywhere on that map?

Atty. Ricker: Well, the property is in the Historic District, but I don't know where the boundary is, frankly. But, it is in the Historic District and, if I could Mr. Chairman, it's not the intention of the applicant to do any exterior changes whatsoever except for the sign that we talked about. With respect to that, that does require Historical Commission approval, which would be applied for.

Mr. Kirk: There's mention that the building is on a registry. Which registry?

Mr. Salerno: I think it's the Historical District Registry. The Shrewsbury Historical District Commission has listed it.

Mr. Kirk: It's not on the state or national?

Mr. Skaff: I think it's on the national.

Atty. Ricker: It may be on the national. We think it's on the national.

Mr. Kirk: My last question is, I've got a written opinion of the Historic District Commission.

Mr. Salerno: I have a letter from the Shrewsbury Historic District Commission dated 22 November 2004. It states that "The commission wants this board to be aware that the property to be discussed is in the Shrewsbury Historical District. The purpose of the district is to preserve and protect buildings and grounds of a historical significance in the town. The owner of the property under review must work with the commission should there be any proposed changes to the exterior of any building on the premise as well as changes or alterations of the grounds. The grounds of the property include such things as driveways, parking lots and signs." All of this has been clearly represented by the petitioner that they have no intention of changing the exterior or the grounds. They've made it very clear that they are aware of the requirements relative to the sign. That's the letter that's been sent and they've clearly addressed those issues in their representation.

Does anybody else want to comment? Mr. Coghlin, you don't have to get up.

Mr. Coghlin: My name is Edwin Coghlin. I live at 68 Gates Road. I'm an abutter. The presentation that you've heard is part of the story. This property has been and was with one of the original families of Shrewsbury for years. It fell in disrepair when the family moved out. Back in 1993 when Mr. Skaff decided that he wanted the property, he made certain representations to this board. Some of those were taken care of and some were not. In 1996, he came before this board because he did have a professional office in a space that was not, per the 1993 agreement, supposed to be. Testimony was given. Many of the neighbors that are here tonight were in attendance. Yes, it was a landscape architect. So, therefore, they kind of said "That's okay because this was a floral business and this was a landscape architect and they're kind of together."

Since that time, I believe, you'll find that the abutting property was expanded significantly because the parking area for the credit union was very insufficient for the new credit union versus what was there before, which was the Prudential office. So, we have some major work that was done next door to the detriment of the residents here because the fence that was there was taken down and the beautiful gardens that are in the back are now exposed to the parking lot of the abutting neighbor, which is a business.

Mr. Salerno: Which neighbor are you talking about?

Mr. Coghlin: I'm talking about the credit union. The original parking lot of the credit union was significantly smaller than what it is now.

Mr. Salerno: What did Mr. Skaff have to do with that?

Mr. Coghlin: Mr. Skaff had nothing to do with it.

Mr. Salerno: Okay.

Mr. Coghlin: Mr. Skaff was going to do his gardens back there, was going to make that very decorative. I contend that, yes he did some, but it is not what was purported to be at the time. Along the easterly property line, which are the abutting neighbors of Gates Road, there was significant vegetation, most all of which has been cut down. Now, maybe that's a change in the property, maybe it's not, but this is a residential neighborhood. There are residences on the sides, on the north side where I live and on the east side. I think the decision that this board has got to make is the representations are there and the aggressiveness of the retailer and the person who came to visit with us about some of the uses this property was going to be used for, which Mr. Ricker referred to, were totally inappropriate. I don't know where business and professional fit in.

Instead of this thing facing Main Street, the entrance is either going to be on the east side or on the north side. The accommodation for the florist shop, which was a storage cooler, now there's no florist shop there so why should that particular device still stay there when it's going to be used now as storage, which was an added piece to the property when Mr. Skaff took it over? What I'm pointing out is the fact that Mr. Skaff has needed to do some things. He invested heavily in the property. There's no question about it. That house was in tough shape. But, the problem that I have, because I've lived in the residence there for nearly fifty years and is that I have now a seven day a week commercial enterprise in the credit union, which I didn't have, which was the Prudential Insurance building, not the People's Bank, when I moved in. I only had a small parking lot. Now, if this goes through, I'm going to have a professional business operation, whatever that allows and whatever hours of the day, night, etc. it allows over the course of time.

I state to you that I feel that this should revert to what it was, which was namely a residence converted for a special purpose to accommodate the desires of Michael Skaff in 1993 and now is no longer being utilized for that process or that purpose. If he can't find someone else to go in there to the provisions of what this board did for him in 1993 and 1996, I don't think it should be changed. Thank you very much.

Mr. Salerno: My question, Mr. Coghlin, is this. If it's a floral shop now and has hours of operations that are conducive to that business, wouldn't it be a reduction in operating hours if professional offices were in there?

Mr. Coghlin: I don't think so. Mr. Skaff was very specific and very particular and the regulations were very clearly stated when and how and what hours of the day that he could operate and run and what particular holiday periods he could operate it.

Mr. Salerno: It just appears to me that, if somebody's in there now running a floral business, a business, Mr. Skaff, that maybe you can help us with that, I'm thinking that the number of customers that are going to come in is going to be greater than the number of people going to a professional office. The hours of operation are going to be more geared towards probably weekends or Saturdays where you're not going to have that with professional offices. Again, accountants, medical or attorneys tend to be a Monday through Friday operation, regular business hours. I would think that what's there now is more intrusive into the neighborhood for hours than what's being proposed, but what was your traffic flow in and out?

Mr. Skaff: Well, at holiday time of course, traffic flow was high and, of course, the weekends because there were functions and weddings. So, I fully agree with you that the traffic flow would be considerably less with a professional office space. Then, the weekends they would probably be closed, I would imagine, on Saturday and Sunday.

Atty. Ricker: Except for the occasional straggler like myself that sometimes goes in on Saturday for a little while, I hope.

Mr. Rosen: What was the question? How many employees did you have working for you?

Mr. Skaff: We had up to thirteen at max.

Mr. Rosen: At one time?

Mr. Skaff: At one time.

Mr. Salerno: Sir, just identify yourself for the record.

Mr. Canzano: Jack Canzano, 10 Boylston Street. I'm an abutter also.

Mr. Salerno: You're also an abutter?

Mr. Canzano: Yes. Over the past ten years, I've found Michael Skaff to be a very good neighbor. He really did a nice job in cleaning it up. I have no problem if the building is to be used for a lesser intensity than the retail operation. I can never see it going back to a residential use with the expansion of the bank and everything. So, I think it's a fine use for the property.

Mr. Salerno: Well, thank you for coming and offering your opinion. Yes sir, just identify yourself for the record.

Mr. Yeomans: Thank you. My name is Bill Yeomans. I live at 51 Grafton Street.

Mr. Salerno: Are you an abutter?

Mr. Yeomans: Pardon me? No, I'm not an abutter. I'm a town meeting member in Precinct 2, which is where this building is located. I rise to speak in favor of this request. The reason for it is that I have some personal background about this property. In 1990, it was owned by People's Bank. I came to Shrewsbury to look for property. At the time, I believe this property was on the market for \$210,000. I came specifically to view this property as a personal residence. I and others looked at this property thoroughly and inspected it from top to bottom and found that, at that point, it was in really a state of disrepair and suffering much deferred maintenance. In 1990, I estimated that it would take a \$100,000 investment in it just to bring it up to residential standards. I walked away from it. It was in need of extensive interior and exterior updating, which precluded it, in my mind, from being considered for a personal residence by anyone. It languished on the market for a number of years after that.

In 1993, he put an offer in on it because it was still on the market for that period of time. He came to the Zoning Board of Appeals for a variance to conduct his business at this location. After much input at that particular hearing in 1993 from abutters and others, the ZBA deliberated and granted that particular variance. At that particular hearing, I spoke in favor of the proposal. The reason I did is that I felt that, if the variance was not granted, the house had the potential to become a multiple family eyesore or, at worst, to be taken down because it was really in a state of deterioration. People's Bank really just wanted to get rid of it. The variance was granted and Skaff had a property to house his business. He did, I think, and other people have mentioned also, all that was required of him and more. I felt that his timely and sizable investment really saved this historic property from demolition and from further deterioration.

It really brings us up to the present hearing. I looked at this and thought a leading local broker has tried very, very hard, in perhaps the last six months, I think maybe more, to market this property in the current market and has not been successful. His past improvements on the property, to me, demonstrated that he's willing to comply with all of the restrictions of the Historic District. I'm also involved with the historic preservation in the town. I'm concerned about it.

Mr. Salerno: In what capacity?

Mr. Yeomans: Pardon me?

Mr. Salerno: What capacity are you representing that you're involved in historical?

Mr. Yeomans: No, I'm just saying that I'm involved on an individual basis.

Mr. Salerno: All right, so you're not speaking as a member of the Historical District?

Mr. Yeomans: No, I'm not speaking. I'm speaking for myself, as an individual member and owning historical property and trying to do my best to preserve it for future generations. I don't think that the town should deny the permit. I feel that the granting of his request is in the best interest first, of the town and it's in the best interest of the Historic District and thirdly, it is in his best interest, but that's not the most important feature. I think that, if it's granted with conditions and that the restrictions are strictly adhered to and that that it's strictly adhered to that there are no external renovations and, keeping in mind, that there is a sizeable amount of money invested in this property. The reason it's here today is because of that investment. I think it gives him the opportunity, considering that he can't sell it and get a reasonable return on the money that he's invested for the town in this property. Thank you.

Mr. Salerno: Thank you for certainly putting an effort into your presentation. Is there anybody else? Richard, do you want to respond to anything that's been said or do you want to move to the next area?

Atty. Ricker: If I could just, Mr. Chairman and Members of the Board, note a couple of things that I failed to mention which is that I believe that this proposal fits in with the intent of the Master Plan which was approved in recent years in this town. I believe we're also going to be seeing some center of town identification done by the Master Plan Implementation Committee, of which I'm a member. I think that this proposal fits in with what I think the committee has in mind for the center of town.

Also, I failed to point out that Michael has been a long time resident and tax payer in town. He's contributed to various causes in Shrewsbury since at least 1985. He's been a good citizen and, frankly, a good neighbor.

I'm always a proponent of business property maintaining its quality and appearance and value for tax purposes in this town. So, I just wanted to mention that as well. Thank you, Mr. Chairman.

Mr. Salerno: Sir, you had a question. Just tell us your name for the tape please.

Mr. Kennedy: Tom Kennedy, 17 Gates Road, an abutter, a direct abutter on the east and the north. Michael has been a very good neighbor since he took the property, but I do remember in 1993 when his plan started, he got the neighbors together and this was the limited use of it. It was going to be a florist shop. The concern would be now that, if the appeal is granted, that it's just going to expand again where he will have more different operations in there. The landscape architect had very little traffic in there. That individual usually went out to people's properties and then did the survey work and the planning work in the office. This concern is that it's just going to encroach a little bit more, five to six different types of operations. Who knows, two, three years from now, there could be business in there and then we're before the board again to broaden the scope a bit more. I wish Michael's business had stayed there. It was a good addition to the neighborhood, but I think that bringing in additional professional business is not in keeping with the character of the neighborhood.

Mr. Salerno: In addressing your concerns, our board puts a tremendous amount of weight on abutters and how things adversely affect an abutter as nobody should benefit financially to the detriment of somebody else. I guess what I'm struggling with is, if in fact this makes a transition from a retail operation with many more visits and more customers and more hours, doesn't it benefit the abutters if it restricts it to a professional office because professional occupations would be any recognized profession such as doctor, lawyer or dentist. If we limit it to that type of operation in there as a professional office building, I've got to think that it's going to lessen the load that you're currently seeing.

Mr. Kennedy: I don't know the exact numbers of the traffic flow, but my guess is that Michael's area was primarily work done inside and then taken out to weddings and banquets. Living next door, you could see around the holidays an increase in traffic flow, but the vans would be working for the weddings. He didn't have people coming in all the time.

Mr. Salerno: But, I don't think you're going to see truckload deliveries of flowers.

Mr. Kennedy: No.

Mr. Salerno: And I don't think you're going to see shipping and some of the things that you're seeing now with customers pulling up and pulling out, the constant change. Usually in a professional office, if somebody is coming for an appointment, it's usually an hour in nature. God knows, you've sat in doctor's and dentist's offices long enough waiting. You're always there, except for lawyers, they get you in and out, but everybody else has you wait. I think, again, trying to compare the two operations, maybe I'm missing this, but I would think that, if I were an abutter, I would much rather see an accountant or a physician next to me than a retail flower shop just for those fears that you folks all have. You don't want this turning into a 7-11 over there.

Mr. Confalone: Mr. Skaff, how many offices are you thinking about having?

Mr. Skaff: A maximum of six.

Mr. Confalone: Six offices?

Mr. Skaff: A maximum of six because the main room that you enter would be a waiting area.

Mr. Confalone: This is in an eight room house?

Atty. Ricker: Right. There are eight main rooms in the house.

Mr. Confalone: So, these aren't going to be six huge offices?

Mr. Skaff: Well, my hope is that one person will rent the whole thing.

Mr. Salerno: What would be the average office size? Let's say, for example, an accountant went in there or a dentist. How much of the house would that person need to occupy to make it feasible?

Atty. Ricker: Probably two of the six rooms. For instance, if a lawyer went in, he'd probably want to have maybe a sitting room and an office. So, you're looking at two rooms out of six available.

Mr. Rosen: Are the rooms roughly equivalent in size?

Atty. Ricker: They are. I have a diagram.

Mr. Rosen: What's the rough square footage of these rooms?

Atty. Ricker: Well, it's a total of 3,000 square feet in the house. The rooms are in the 15 x 15, 17x 18, 16 x 18, 12 x 17, 14 x 16 ranges.

Mr. Rosen: They range from about 250 to 300 square feet, okay?

Atty. Ricker: They're good sized rooms, but they're not giant rooms by any means. They're bigger than my office, but that's because my father put me in the small office.

Mr. Salerno: Maybe you can move there. What were the numbers, Ron?

Mr. Rosen: I'd say they're between 250 and 3 1/4.

Mr. Salerno: For the average size office?

Mr. Rosen: Yes.

Mr. Salerno: For any type of operation, I can't see a dentist operating in that square footage.

Mr. Gordon: A dentist would need too much area.

Mr. Salerno: What would an accountant need?

Mr. Rosen: I think I have about six hundred square feet right now.

Mr. Gordon: So, that would be two rooms.

Mr. Salerno: You would need two and a half.

Atty. Ricker: A dentist, frankly, would probably be too much of an intense use in that building. It would be the whole downstairs for instance. You're looking for four individuals, sole practitioners.

Mr. Salerno: Right. If it were professional offices, you're talking about a real small scale operation.

Mr. Confalone: You'd have one or two clients at a time.

Atty. Ricker: Typically it would be similar to the customary home occupation type of user. That is really what you're looking at, the person that puts two rooms aside in the house to use as the office and waiting area, only this would be times three.

Mr. Gordon: Mr. Salerno, I have to agree with Mr. Ricker. When the Master Plan was done in 2000, it listed a number of districts. One of the districts that it listed was the Town Center District, which was going to extend farther down Main Street towards St. Mary's on both sides of the street and also down Grafton Street and down toward Maple Ave. Since that time, as you know, the Master Plan Implementation Group has met with other neighborhoods and has put in overlay districts which generally maintain the underlying district as it is. Anybody who wants to use the underlying district can use the overlay. There are some strict guidelines as to what you can do. This will be considered for that within the next two years. It was in these areas that buildings combine, if you would, professional offices, banks and residences in similar buildings, low traffic uses. This would be one of them where you have it right on the boarder line of a Limited Business District and the town has allowed this parking lot to be expanded to the detriment of Mr. Skaff as well as to the detriment of the neighbors on Gates Street.

I think we should take all of that into consideration, but I think we should put some limitations on what can be done and what he must do on the property because a variance does run with the land. It's not like a special permit that runs with the individual. That would be my thought.

Mr. Salerno: My concern is, again, if there is no request before us, at least for the abutters, then a floral business runs out of there. It stays the way it is.

Mr. Gordon: The one thing, if you remember Mr. Chairman, we did turn down the appeal for a masseur because we didn't consider that that was a professional business. I could argue that lawyers aren't professionals but two of you would beat up on me.

Mr. Salerno: There would be a good argument, Mr. Gordon. In addition to that too, I think there was some interest shown there, was there not Ron, by some people that were interested in putting a hairstyling business in there?

Mr. Alarie: Well, since the property was put on the market, there were many individuals that came to my office that advanced many different uses. Again, knowing the sensitivity of this property, no one really went forward with any appeals.

Mr. Salerno: But, there was some interest by hairstylists and people in that line?

Atty. Ricker: And a mortgage company.

Mr. Alarie: It included restaurant use.

Mr. Gordon: All of those would require a variance.

Mr. Salerno: Yes.

Atty. Ricker: I would suggest, respectfully, that Mr. Skaff has been somewhat sensitive to the extent that he hasn't gone forward with any of those proposals.

Mr. Gordon: Can you tell me, it was mentioned that vegetation on the east side was torn down. Why did that occur?

Mr. Salerno: Were those the shrubs that were there?

Mr. Skaff: Yes.

Mr. George: That was a wooded area. Wasn't it an overgrown wooded?

Mr. Skaff: It was a section of wooded area. We had actually taken the shrubs down, the trees down, to expand the view of our property. We didn't take them all down. In fact, the tree line that remains, some of the abutters wanted us to take more down. I said that I don't want to totally strip the land. So, we took the front section of the trees down so that there could be a better view of the property.

Mr. Gordon: I notice that you have a stockade fence on the back.

Atty. Ricker: That was part of the original permit.

Mr. Gordon: That was part of the original permit? There was no request for that on the east side?

Mr. Skaff: Not at the time. Mrs. Miller lived in that home. She didn't want to have a fence put up.

Mr. Rosen: Isn't there a fence there right now?

Mr. Skaff: There's no fence. It stops at the Errede's and doesn't continue towards the front of the road.

Mr. George: So, the homeowner on the corner of the road didn't want the fence?

Mr. Skaff: No. Which is for sale now and is empty.

Mr. Salerno: Mr. Coghlin?

Mr. Coghlin: That fence was put up by the owner of the property because of what was done with the trees and the like. He has been transferred to Delaware and the property is owned by his corporation and is being sold. In deference to the Master Plan and all, I think it would be very appropriate if there's some way of pulling that together because, as

there is major talk about the library and where is it going and if the credit union is going to continue at the rate that it's growing and the customer base is going to continue to grow the way it is, then it might be that this corner of the world ought to be looked at sooner rather than later in terms of what is the town need and what does it involve. But, I stand by my discussion and Ms. Errede is also here and my wife is here to just say that we're in opposition to this and the picking away, picking away and just come up with something. If a masseuse is not a professional, is a physical therapist?

Mr. Gordon: I think we would define professional as defined in the bylaw. I think that's what we would define a professional as. We might expand it to include a CPA.

Ms. Thomas: I have one concern. Not while Michael is owning this property, but he has pillars in back of his house that make a nice garden. I know he'll take care of them. But, if the property is sold, I'm concerned about what will happen to those pillars. So, I don't know if that has anything to do with you and the permit or not.

Mr. Confalone: Is that a Historical Commission type of concern?

Atty. Ricker: Actually, no. It's a matter that the town allowed him to take those pillars from the Masonic property and to place them here, to take them.

Mr. Skaff: I purchased them.

Atty. Ricker: He purchased them and he placed them back there. Obviously, he wants to continue to own the property. He's told you that.

Mr. Coghlin: Yes. Their concern is that, if he ever sold it, what would happen?

Atty. Ricker: Well, I'm not sure that I can answer that.

Mr. Gordon: Would you be willing to give somebody the right of first refusal on those pillars if you did sell the property?

Mr. Skaff: Too buy them?

Mr. Gordon: To move them and place them elsewhere, not to destroy them.

Atty. Ricker: A right of first refusal.

Mr. Skaff: If I sold the property? It cost me \$30,000 to put that garden up. So, as long as the property was put back in a physically repaired condition, I guess I could do that. I can't see my property being uplifted and destroyed just to move pillars, but if it was put back in the condition or put back, you know, in the same condition, it's possible.

Mr. Gordon: Well, maybe there's some other vehicle to maintain the pillars in the back yard to accommodate Dorby's concern. I'm not smart enough to suggest what it might be. I don't know how you'd do it.

Mr. Alarie: You could build a condition into any granting, if you choose to make that granting, that the property shall remain substantially in its current form. I'm not sure if that part of the property falls within the jurisdiction of the Historic Commissions. That's a change to the exterior of the property. Whether the removal of those pillars would be governed, I'm not sure if you would need Historic District Commission approval to do that.

Mr. Salerno: I don't know if you would have to get it to put those back there.

Mr. Skaff: I didn't at the time. I'm not sure that that portion is in the district.

Mr. Alarie: As the letter indicates, the grounds are governed by the Historic Commission, but certainly you could incorporate a restriction into any decision.

Mr. Salerno: Well, I'm not sure if those are permanent in nature or are those just landscape fixtures, the pillars. I mean, they're not buildings.

Mr. Alarie: Walkways, anything or any feature like that, is still governed by the Historic Commission as I understand their regulations.

Mr. Salerno: Right, but he just placed them there, correct?

Mr. Skaff: Yes. I mean, there are big cement slabs underneath the ground that hold them in place.

Atty. Ricker: I think that the Historical Commission might have some concerns about the removal of them at this stage in as much as, once they're there as the case goes, they sometimes say well, you know, you can't remove them. But, that's something that is probably better discussed with the Historical Commission.

Mr. Gordon: It's like the landlord/tenant argument of what's a fixture.

Atty. Ricker: Or the buyer/seller argument. If in fact he wanted to take them with him wherever he went if he did sell it, which is not on the table now anyway. But, I understand Dorby's concerns. Frankly, I think I mentioned it to Michael at one stage myself because they are an awful nice fixture back there.

Mr. Gordon: Oh, they're beautiful.

Mr. Skaff: Well, I have to say that I bought it in 1994. I have worked with the Historic Commission to maintain the property in the best possible way I could by investing money, but also by being cautious of what I did with the property. I certainly want to continue to have a good relationship with the Historic Commission. I enjoy owning a historic home. Sometimes it's a pain in the ass, but I enjoy it.

Mr. Gordon: We're on TV. They're watching you.

Mr. Skaff: That's okay, but I really worked close with them and I think I've done justice to the town and the Historic Commission.

Mr. Salerno: I think your neighbors and everybody have appropriately said that you've done a wonderful job in maintaining and improving the property. But I think what these homeowners are concerned about is what happens after Michael Skaff leaves the property or turns over the control of the property. Then they're at the mercy of whoever takes over. So, we as a board are trying to balance what you want to do with your property and their concerns. Again, we would like to fashion a remedy that gives them a little comfort level and still allows you to do what you need to do at your property. I think, again, that limiting it in scope to some professional offices might be one of the answers.

Atty. Ricker: If I could, I would like to give a suggested list. As I suggested earlier, accountants, doctors, sole practitioners are what we would anticipate. You're talking about six rooms. You're not talking about something that can be overwhelmed.

Mr. Salerno: I think it's going to be tough to get professionals in such a small space, but good luck to you.

Atty. Ricker: It might be. You wouldn't talk about an advertising agency, you'd talk about an advertising executive perhaps. You wouldn't talk about a real estate agency; you'd talk about maybe a real estate broker. All of those, I would respectfully suggest, are professionals in what they do. So, with that in mind, I do have a suggested list that's kind of scratched up because we looked at a number of different options.

Mr. Salerno: Would you like to submit that list?

Mr. Confalone: That's different than what the bylaw says?

Atty. Ricker: Well, the bylaw kind of says "etcetera" too.

Mr. Salerno: It's a little general, "etcetera."

Mr. Alarie: It's not "etcetera." I would construe it as "similar."

Mr. Gordon: It says "Any recognized profession such as doctor, lawyer, or dentist."

Mr. Salerno: I think the dictionary definition of profession is somebody that has or possesses a unique body of knowledge. From that, you can spin-off again and again. So, I like the idea of a closed end list for the comfort of the people there and everybody's on the same page. But, if you have a suggested list of uses, I'd like to see it.

Mr. Gordon: I think that, if you limit it to licensed people, that's too many people. If you put in real estate offices, that's too much traffic. I like your idea of sole practitioners, if we could do it, and eliminating the list of professions. Maybe that's unkind, but I think it balances the residential and other because, if you look up the street at Caldwell Banker in the two houses on the corner of Main and Maple, that's a lot of ants. There are an awful lot of people. Residential brokers are people who work ten

hours a week and there are thirty or forty of them because, for most of them, it's a part-time job, except for the managing brokers. No one wants to see that there.

Mr. George: The only thing is, where that's located, it's in a very small condensed area.

Mr. Gordon: Oh, I'm not condemning it, but I'm just saying I would not want to see that move over here because I think that's too much traffic. We have some brokers that are single brokers. Would that be too much traffic, probably not, but how do you limit that.

Mr. George: Right.

Mr. Gordon: That's the balance I think we have to do.

Mr. Salerno: We have to think of the enforceability.

Mr. Gordon: Right, what the enforcement officer can do.

Mr. Alarie: Mr. Chairman, one of the other concerns that was raised earlier related to the days of the week and the hours of the day that the building would be in use. I don't think that that was expressed by Mr. Ricker. Maybe some input on their part would be helpful.

Atty. Ricker: If I could address that, the reason I didn't is because sometimes you see people leaving their office at 6:30 or 7:00 and sometimes 9:00 or 10:00. If you're an attorney and you have a case coming up the next day or you have something pressing, then you could be there until who knows. That's the nature of the profession.

Mr. Confalone: There's a difference between you working and when you are receiving clients. Maybe we could restrict the time that you would have clientele coming in?

Atty. Ricker: Well, I think Mr. Salerno will bear me out on this. Often times when you're working as an attorney, your client is sitting there looking at you and talking to you and pressing you and really pushing you and questioning you. So, that's a hard one as well as it's a hard thing to limit professionals.

Mr. Salerno: Well, you did say that you did, at some point, have a list?

Atty. Ricker: Well, I did a list, but the list that I did was intended to include, but not be limited to, the type of professionals. I understand your concerns. I don't want to be an obstructionist here. I certainly appreciate your concern and your patience. The key is that I wouldn't want to see an advertising executive, for instance, a single guy coming and saying "Hey, I do advertising." and he has to come back into the board to get permission every time for someone that we didn't think about but is, in fact, a professional wanting to lease an office. It's a hard thing. I know and I appreciate your consideration.

Mr. Alarie: Is it the same argument for the days of the week that you might operate there? You mentioned before that perhaps that, with the retail activities that happen on Saturdays and Sundays under the old permit, that might not happen here.

Atty. Ricker: Have you ever seen me in my office on Sunday?

Mr. Rosen: I know that, during tax season that I'm in the office seven days a week.

Atty. Ricker: I know, but you see, this is not the intensive type of use that were suggesting here. We're not talking about a lot of people coming in and out. We're talking about professionals who are in the mold of the sole practitioner. Basically, it could be like an in-home occupation type of situation, the type of individual who just wants to get out of the house and have an office in this place.

Mr. Alarie: But those situations are generally regulated by the board to certain hours and days of the week.

Atty. Ricker: Correct.

Mr. Alarie: There have to be some type of safeguards to reach that comfort level that Mr. Salerno indicated before.

Atty. Ricker: I understand.

Mr. Gordon: I'm pro-business, as you know, but I question whether an advertising executive is a profession or a business because an advertising executive is not licensed. Of course, hairdressers are licensed. Is that a profession or a business? I'm confused as to how we do this.

Mr. Rosen: That's my question too. If you were to restrict hours and time, how would you ever rent to a CPA or an attorney?

Atty. Ricker: Or an architect or an engineer?

Mr. Rosen: Right.

Mr. Salerno: Well, Mr. Gordon's suggestion on language is somewhat helpful. We seem to be combining some thoughts. I mean, with licensed professionals, you're almost combining both propositions with licensed professionals.

Mr. Rosen: That's pretty broad.

Mr. Salerno: But, if there's a list suggesting what it would be used for understanding licensed professional, that would be helpful.

Mr. Gordon: Right. We're trying to cut down on the amount of traffic and limit the amount of people.

Mr. Salerno: And still make it work.

Mr. Gordon: And still make it work and profitable for you.

Atty. Ricker: What I would suggest is that we establish a list like this, a basic list. If someone comes to you and says "We want to rent there." and you think that it might, then we come back and just tell them to apply.

Mr. Salerno: Well, you could have licensed social workers, for example or you could do counseling for disturbed children or juvenile delinquents. They're a licensed professional and there's a use that's not in keeping with what was there, which would certainly frighten the abutters, and yet it would fit within that definition. I think that, if we work on the theme of licensed professionals knowing what the landlord is looking to put in there as tenants and knowing what the residents concerns are, we could have a proposed list that's a suggestive list knowing how we're granting this. Should Mr. Skaff have that person who maybe is not named on that list but is in keeping with the intent, I don't think that there would be a lot of opposition if he were to return to get the approval for that. It would serve as an annuity for Mr. Ricker.

Mr. Gordon: Does this town require business licenses?

Mr. Salerno: I think we do, don't we?

Mr. Alarie: You're required to register a business if you're conducting the business other than in your own name.

Mr. Salerno: D/B/As?

Mr. Alarie: Yes.

Mr. Skaff: I think my issue is, if I go to put a "For Lease" advertisement in and if an attorney who doesn't come, but you get five different people coming that are not specific to this list, every time we're going to be going through this. The neighbors are going to be here saying "Well, you know I don't believe that that fits the list or I do believe it fits the list."

Mr. Salerno: I think it's impossible to give you an exact finite list, but I think what we're saying is that the theme or the general consensus is that we'd like to see it as you suggested, solo, small, professional type operations. Now, again, the one man advertising executive, I don't think you're going to get a lot of flack over that because he's not a dentist or a doctor or a lawyer fitting neatly into that definition but he is in keeping with what you want to do and certainly what the neighbors want to see in there. I don't think we'd ever come up with a finite list.

Mr. Gordon: I don't either.

Mr. Salerno: It may be to your benefit not to have a finite list.

Mr. Alarie: But then the onus falls on myself. I think, knowing what's transpired here, it would be better making that determination as to what fits within the tone of this conversation. I think you should come up with some list.

Mr. Salerno: Right.

Mr. Alarie: In the future, if someone comes in and maybe doesn't fit the mold, they should come in and address it with the board.

Mr. Salerno: That's what I'm suggesting. If we had a list of fifteen or twenty, whatever it might be, types of operations that would work in there and if, then again, there's the individual that doesn't fit exclusively on that list but is in keeping with the theme, it certainly isn't something that's going to be or would be against what our intentions were.

Mr. Alarie: If I were to allow something to go in, it puts the onus on the abutters then to challenge that. I don't think that that's fair to the abutters. I'd much rather prefer to see somewhat of a finite list.

Mr. Salerno: I just don't know how we develop a finite list.

Mr. Alarie: Amend it from time to time, if necessary. Those are the times when you find out whether or not you have any issues that are offensive to the neighborhood.

Mr. Salerno: Right. That's what I'm suggesting. If you had a dozen or so business or professions that are acceptable, we can include that as part of our decision.

Mr. Confalone: Is there a suggested list that we could be looking at?

Mr. Gordon: We're going to find out.

Mr. Salerno: We're straining to get them to do that.

Atty. Ricker: That's because I'm trying to think if we've missed anything.

Mr. George: Is there a possibility of putting a time limit on it.

Mr. Gordon: Not on a variance.

Mr. Alarie: Sure you can.

Mr. Gordon: Can you put a time limit on a variance?

Mr. Alarie: Sure you can.

Mr. George: We could see how it goes?

Mr. Skaff: Well, again, if I go to rent space, they're going to want a lease. So, your time limit would make that difficult.

Atty. Ricker: General leases we like to see in the three to five year range. Most tenants want options.

Mr. Skaff: I guess that, if they know that they can be kicked out tomorrow, are they going to lease from me?

Mr. Salerno: I understand that. Practically speaking, everyone wants a five year lease with an option.

Atty. Ricker: Sure.

Mr. George: What are some of the time limits that we do put on, sometimes three years?

Mr. Gordon: Three, five and ten.

Atty. Ricker: I think I've seen fives.

Mr. Gordon: One was for ten.

Mr. Salerno: I don't think it would be reasonable to put anything less than a five given that it's going to be a business operation. They're going to do the build-outs or are you going to do it?

Atty. Ricker: He wasn't anticipating anybody doing major build-outs because build-outs in a building like this again, it's a historical building, can be dangerous to do. You start doing things like windows and all of a sudden you're in front of the Historical Commission for that.

Mr. Salerno: No, I'm saying even the interior division of the property.

Atty. Ricker: Yes, but interior build-outs in a building like this can be a problem. The building is in pretty good shape.

Mr. Salerno: No? What I'm suggesting is, if this gentleman or a tenant is going to have to do some modifications in there to make it work with other tenants or to make that kind of investment, I would never get involved, as a businessman, to make that investment if I knew that I only had two or three years.

Atty. Ricker: I, frankly, wouldn't do it for five years.

Mr. Salerno: Right. Five is stretching it.

Atty. Ricker: I wouldn't do it for five years. If I was representing someone, I wouldn't suggest that they do it for five years if you had to put that kind of investment in. Just the cost of phone systems to go into a new office is expensive.

Mr. Salerno: Right. No, that's understandable.

Atty. Ricker: I understand Mr. Alarie's concerns. I appreciate that. I also understand the neighbor's concerns. I don't want to be insensitive to that, especially my first grade teacher.

Mr. Alarie: The existing variance was so finite as it was done for that specific purpose.

Mr. Salerno: Sir, in the back, your name again?

Mr. Kirk: Chris Kirk, Westwood Road. Just a couple of quick questions. One is basically that the board's been thinking that Mr. Skaff's current use would continue. He's requesting this variance because he can't sell the house as a house or as a retail operation. The question is, if he can't rent it as professional offices, does he retain the right to demolish the building? Can he do that?

Atty. Ricker: If I could address that, Mr. Salerno?

Mr. Salerno: Sure, because it's clearly outside of our powers as a board.

Atty. Ricker: I know that in some communities there has been some demolition of historic buildings. For instance, as recently as this past year, you'll remember that there was quite a brouhaha in Worcester about the demolition of the Erskin's house next to WPI which was a historic structure. I think that we learned from that that there is a certain notification period that's given from the person that wants to either move it, donate it or destroy it. Then, after a period of time, I guess it's allowed.

Mr. Skaff: I do have to tell you that I did have somebody approach me who wanted to buy it and knock it down. I wouldn't sell the building to them.

Atty. Ricker: It is a fairly large lot. There's no question about that. In terms of availability of large lots in the center of Shrewsbury, it is quite a valuable property as a lot. There's no question about that.

Mr. Kirk: Another question is regarding changes of ownership or use. Mr. Gordon mentioned that an overlay is being considered for the center of town that might include this property. Would that change the uses for this property? I know I'm asking you to speculate.

Mr. Gordon: I can't speculate on that. I'm only one member of a group. There will be much discussion before it's brought to town meeting.

Atty. Ricker: All I suggested, if I could, Mr. Chairman again, is that this probably would be in keeping with some of the discussions that will take place based on my own participation and knowledge of what's been discussed at these meetings, not particularly towards the center of town though.

Mr. Salerno: Counsel, you've submitted a list with some suggested uses in keeping with the licensed professional, solo theme on the use of the building by its tenants. You've listed out attorneys, accountants, doctors, dentists, advertising executives, architects, a mortgage broker, a real estate broker, an insurance broker, a health care professional, an engineer, an architect, a psychologist and a therapist, but we had a question as to a therapist may be a little overly broad.

Mr. Gordon: What type of therapist?

Atty. Ricker: I was thinking psychotherapist or something like that. I don't know, I just indicated that as a profession.

Mr. Salerno: Well, a psychologist or a psychiatrist might raise some concerns.

Mr. Gordon: A psychologist and that, yes, that was my question. Therapists can go from the ridiculous to the sublime.

Atty. Ricker: Well, you can have a physical therapist. That's a licensed practitioner as well.

Mr. Gordon: An occupational therapist?

Atty. Ricker: An occupational therapist.

Mr. Gordon: Massage therapist, that's licensed, but I don't think we want that there.

Mr. Salerno: "Professional" would embody that.

Atty. Ricker: Health care professional. I would agree with you, health care professional would embody that.

Mr. Salerno: So, we'll strike therapist on that.

Atty. Ricker: Again, it's our hope that at some stage we'll be able to talk someone from the Shrewsbury Credit Union into maybe taking a couple of offices, in which case, I would like to include them in the list, if we could.

Mr. Salerno: Sure.

Atty. Ricker: That was my reason for putting mortgage broker, frankly. I know Mrs. Shea's here.

Mr. Salerno: How about banking services?

Atty. Ricker: Sure.

Mr. Rosen: That's kind of retail. Why not just bank offices, bank management offices?

Mr. Gordon: Mr. Skaff, we're talking about sole practitioners.

Mr. Skaff: Right.

Mr. Gordon: What would occur if one business decided that they wanted to take the entire house?

Atty. Ricker: I think that we would have to come back.

Mr. Salerno: Well, again, if it were a business that fell within one of these on the list, why wouldn't that be permissible?

Atty. Ricker: I think that, perhaps if it met the parking requirements to the building department requirements, health requirements, all of the code requirements, then I think it would fit in, such as the credit union.

Mr. Gordon: How many parking spaces did you say you have?

Mr. George: Twenty-one?

Atty. Ricker: Twenty-one.

Mr. Gordon: Twenty-one. How many do offices require, Ron?

Mr. Alarie: You said three thousand square feet?

Atty. Ricker: It's about three thousand. The whole house is about three thousand, yes.

Mr. Alarie: That only requires about six as a general office, one per four hundred square feet, six to eight.

Mr. Gordon: So, so long as it fell on the list, it could be a one tenant office.

Mr. Alarie: Yes, such as a law office with two or three attorneys.

Atty. Ricker: Actually, I think that would be an ideal use for that building, but that's my own opinion.

Mr. Salerno: Ma'am, yes?

Ms. Shea: I'm Janet Shea, a former assistant manager of the credit union, currently affiliated with the board. We aren't opposed to a business next door, but our concern would be direct competition, such as a mortgage company.

Mr. Salerno: So, you don't want any competition? That would be a nice deal if you could do it.

Is there any more inquiry from the people who are here in attendance? I think we have an idea of what all the issues are from the respective abutters and homeowners in town and you, Mr. Skaff, as a business owner and property owner. We are going to work here, now, this evening, to see if we can come up with something. But, seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On November 23, 2004, the Shrewsbury Zoning Board of Appeals voted four in favor of and one opposed to the granting of the appeal of Skaff Enterprises, Inc., Michael Skaff, President, P. O. Box 347, Thompson, CT, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the use of property located at 621 Main Street for business and professional offices.

As set forth in the board's decision of December 1, 1993, the appellant was granted a variance to permit the use of the subject premises "for the operation, maintenance, conduct and carrying on of a retail florist business." That decision also set forth several stipulations relative to the use and development of this site for said purposes. On August 28, 1996, a second variance was issued to allow a registered landscape architect to occupy a portion of the building's second floor area for office activities. The property was utilized for such purposes for several years until the architect vacated the premises in 2002 and the floral business relocated to Northboro in May of 2004. Mr. Skaff now appeals to the board for relief from the literal application of the provisions of Table I, Use Regulation Schedule, of the Zoning Bylaw to enable the use and occupancy of this building for business and professional office purposes.

In reviewing this appeal, the board concurred with the findings set forth in the aforementioned December 1993 decision that the configuration of the subject premises, its bifurcation by a district boundary line, the structure situated thereon and its location directly abutting the Limited Business District with a highly active banking facility as an immediate abutter renders this site unique with respect to its zoning classification. It was their opinion that, as a result of these conditions, this historic building is not suitable for single family use and that, in this situation, the literal application of the applicable terms of the Zoning Bylaw to this property presents and undue hardship to Mr. Skaff in his attempt to occupy it for a viable use and to maintain it in good repair. They noted that it has been utilized for a very active retail business for over ten years without creating any condition which has adversely impacted the welfare of the general public. The board felt that its use for professional office purposes would significantly lessen the traffic to and from this site and that it would also reduce both the number of hours each day and number of days each week that it is actively occupied thereby bringing its use more in concert with the intent and the purpose of the bylaw. It was, therefore, unanimously voted to grant the appeal subject to the following restrictions:

1. The use of the premises shall be substantially in accordance with the appellant's presentation to the board.
2. The office activities conducted thereon shall be limited to those professions such as a lawyer, accountant, doctor, dentist, advertising executive, architect, mortgage broker, real estate broker, insurance broker, health care professional, engineer, psychologist and financial services, excluding banking.
3. The garage area shall be used only for storage or the parking of vehicles.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	No
Mr. Confalone	Yes